

**Before the
Federal Communications Commission
Washington, D.C. 20554**

DOCKET FILE COPY ORIGINAL

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 02-12
FM Broadcast Stations.)	RM-10356
(Ash Fork, Chino Valley, Dolan Springs,)	RM-10551*
Fredonia, Gilbert, Lake Montezuma, Payson,)	RM-10552*
Peach Springs, Seligman, and Tusayan, Arizona;)	RM-10553*
Moapa Valley, Nevada; and Beaver and Cedar)	RM-10554*
City Utah))	

RECEIVED & INSPECTED
MAY 05 2003
FCC - MAILROOM

ORDER TO SHOW CAUSE

Adopted: April 30, 2003

Released: May 5, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Joint Counterproposal filed by NPR Phoenix, LLC ("NPR") and Spectrum Scan, LLC ("SS") in response to the *Notice of Proposed Rule Making* ("Notice") in this proceeding.¹ The Joint Counterproposal involves allotting Channel 285C3 to Peach Springs, Arizona, which conflicts with the *Notice*'s proposal to allot Channel 285A to Ash Fork, Arizona, as its first local aural transmission service. The Joint Counterproposal would also allot Channel 267A to Ash Fork, Arizona. To accommodate Channel 267A at Ash Fork, the Joint Counterproposal requests the substitution of Channel 227A for Channel 277A at Seligman, Arizona and the modification of Station KZKE(FM)'s license accordingly.² For the reasons discussed below, we are issuing this *Order to Show Cause* directed to Route 66 Broadcasting, L.L.C. ("Route 66"), the licensee of Station KZKE(FM) ("KZKE"), Seligman, Arizona.

2. In order to proceed with our analysis of the Joint Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this *Order to Show Cause* directed to Route 66 to show cause

¹ *Ash Fork, Arizona*, 17 FCC Rcd 1660 (MB 2002). Both NPR and SS filed separate counterproposals by the comment due date in this proceeding. After discovering that their counterproposals were mutually exclusive, they filed a "global resolution" of their counterproposals in their Joint Reply Comments, which removed the mutual exclusivity between the original counterproposals. We shall label their "global resolution" as their "Joint Counterproposal." NPR's component of the Joint Counterproposal has rulemaking number RM-10551*, while SS's component of the Joint Counterproposal has rulemaking number RM-10553*. The Joint Counterproposal has removed some of the individual proposals in SS's original counterproposal.

² There are several other proposals in the Joint Counterproposal, but they need not be repeated here. A separate Order to Show Cause is being simultaneously issued concerning a proposal to change the channel of another station. The Further Reply Comments filed by NPR proposes the use of Channel 227A at Seligman in order to accommodate the use of Channel 267A for Ash Fork. Although NPR originally proposed the use of Channel 280A at Ash Fork, it now recommends the use of Channel 267A there in order to accommodate the more recently initiated Cameron, Arizona rulemaking proceeding (MB Docket No. 02-73).

why its Station KZKE license should not be modified to specify operation on Channel 227A in lieu of Channel 277A at Seligman. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules. *See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987). In this instance, the substitution of Channel 227A for Channel 277A at Seligman, Arizona, will accommodate the allotment of Channel 267A to Ash Fork, Arizona. We consider this change in channels for Station KZKE, Seligman, Arizona, to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station KZKE license at Seligman can be modified to specify operation on Channel 227A at its currently authorized transmitter site.³ NPR has agreed to reimburse Route 66 for the reasonable costs incurred in connection with the change of the Station KZKE channel.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Route 66 Broadcasting, L.L.C., licensee of Station KZKE(FM), Seligman, Arizona, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 227A in lieu of Channel 277A.

5. Pursuant to Section 1.87 of the Commission's Rules, Route 66 Broadcasting, L.L.C. may, no later than June 19, 2003, file a written statement showing with particularity why its construction permit should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Route 66 Broadcasting, L.L.C.
812 East Beale Street
Kingman, Arizona 86401
(Licensee of Station KZKE(FM))

Matthew H. McCormick, Esq.
Reddy, Begley & McCormick
2175 K Street, N.W., Suite 350
Washington, D.C. 20037
(Counsel for Station KZKE(FM))

³ The reference coordinates for Channel 227A at Seligman, Arizona, are 35-19-26 NL and 112-45-55 WL.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau